

January 24, 2006

FAH-04A
P&P 05.4A

SUBJECT: CONGRESSIONAL NOTIFICATION AND PUBLIC ANNOUNCEMENT OF
CONTRACT AWARDS AND FINANCIAL ASSISTANCE AWARDS

Purpose: To revise the policies and procedures regarding Congressional Notification of
contract and financial assistance awards.

References:

- a. CH Order 1220.1A.
- b. DOE Order 1220.1A, as amended.
- c. DOE Acquisition Guide, Chapter 5.1.
- d. DOE Guide to Financial Assistance.
- e. DOE Advanced Notification of Awards System User Guide.
- f. David K. Garman memorandum, dated August 2, 2004, to Heads of Energy,
Science and Environment Departmental Elements, subject: "72 Hour Prior
Notification".
- g. Policy Flash 2003-15, dated June 30, 2003, subject: "Additional
Requirement for the New Advance Award Notification System".

Applicability: All CH financial assistance and contract awards.

Supersedes: P&P 05.4A and FAH-04A, dated December 22, 1999.

Effective Date: Upon issuance.

Policy:

It is DOE policy to advise members of Congress regarding Departmental activities likely to have an impact on their constituents. The DOE Office of Congressional and Intergovernmental Affairs (CI) facilitates this information by reviewing advance notifications submitted by Contract Specialists 48 hours in advance of pending actions that meet the "Reportable Actions" criteria for the "Dollar Thresholds" outlined on the reverse side of DOE F 4220.10, "Congressional Grant/Contract Notification" (Enclosure 1).

In addition, CI must be notified of key activities of interest to Governors, Senators, Representatives, and Tribal governments via the 72 Hour Prior Notification Form (Enclosure 2).

Procedures:

A. CONGRESSIONAL NOTIFICATION

DOE F 4220.10, "Congressional Grant/Contract Notification," will be utilized to provide the DOE Office of Congressional and Intergovernmental Affairs (CI) with the required 48-hour advance notification using the Advanced Notification of Awards System (ANA), described in Item A.4. below. DOE F 4220.10 is available on the ACQ Grants Database; at <http://www.directives.doe.gov/forms/4000.html> (PDF fillable format); and in the ACQ Forms Library.

1. REPORTABLE ACTIONS

Notwithstanding the entire list of reportable actions and dollar thresholds contained on the reverse side of the DOE F 4220.10, actions that need to be reported to CI include initial awards and modifications of contracts, grants, cooperative agreements, and interagency agreements at the following dollar thresholds:

- An amount of \$50,000 or more for an award or modification to a nonprofit, an educational institution, or a state, local, or tribal government.
- An amount of \$500,000 or more for an award or modification with any other entity.

As stated on the reverse side of the DOE F 4220.10, modification actions need to be reported when the modification involves the addition of new work, the exercise of an option, or a termination action. Excluded modification actions (i.e., those that do not need to be reported) are administrative changes, including funding actions; changes within the scope of the instrument; orders or notices under clauses such as a property clause or a suspension of work clause; and the definitization of a letter contract.

While most modification actions fall within the scope of the instrument and thus could be considered excluded from reporting, if the action could be deemed politically sensitive, significant, controversial, unique, or newsworthy, the action should be reported to CI. For assistance in making this determination, the Contract Specialist should consult with their Contracting Officer, their DOE Project Manager, and/or Gary Pitchford or Brian Quirke of the CH Office of the Manager – Communications (OM-C).

2. GUIDANCE ON COMPLETION OF DOE F 4220.10

Because questions have arisen in the past regarding completion of certain items on the DOE F 4220.10, the following guidance is offered:

Block No. 1:

The informing office location is the name of the office transmitting the information. For all of DOE-CH, regardless of whether it be at the Argonne site or elsewhere, the "Informing Office" location should be indicated as "Chicago Office". No address is required.

Block No. 5:

The date to be included in the "Proposed Date of Award" is the start date for the instant action or the date the action will be signed, if known. For "Date of Public Announcement," see Section A.3. below for public announcement coordination with OM-C.

Block No. 6:

- (a) If the award being reported is a new action, the amount to be entered in "Total to date: \$_____" should be the amount that will be obligated by the instant action.
- (b) If the award being reported is a modification or an amendment to an existing award, the amount to be entered in "Total to date: \$_____" should be the amount previously obligated under the award plus the amount that will be obligated by the instant action.

Block No. 7:

- (a) For "Obligated Cost or Price of this Action," the amount to be entered should be the amount that will be obligated by the instant action.
- (b) Under "Estimated Cost or Price of Total Contract," the amount to be entered should be the total dollars obligated to date (from inception through the instant action) plus the estimated remaining current project period costs (through the remainder of the out-years). This amount shall also include all estimated cost sharing for the total project period (from inception through the out-years).

- (c) Under “Recipient Cost Sharing,” the amount to be entered should be the estimated cost sharing for the total project period (from inception through the out-years).

Block No. 8

For “Duration of Contract, Grant, or Other Agreement,” the date to be entered in “From:_____” should be the start date of the award from inception (i.e., the start date of the initial award). The date to be entered in “To:_____” should be the end date of the estimated current project period (i.e., the end date of the remainder of the out-years).

Additional Requirement for Contracts Only. For prime or subcontract awards being made to small businesses, begin the entry in Block No. 9 of DOE F 4220.10 with a sentence identifying that the award is being made to a small business and also identify any relevant subclass, e.g., 8(a), HUBZone, disadvantaged, woman-owned, or veteran-owned.

3. PUBLIC ANNOUNCEMENT COORDINATION

Public announcement coordination shall be made by the Contract Specialist with the CH Office of the Manager – Communications (OM-C) in advance of the DOE F 4220.10 being sent to CI for the purpose of OM-C determining whether a public announcement of the action will be made. The following contract and financial assistance awards require OM-C coordination:

- (a) Office of Science (SC) awards and modifications that are \$2,000,000 or more made pursuant to 10 CFR Part 605;
- (b) All other awards and modifications that are \$500,000 or more; and
- (c) Any award or modification, regardless of dollar value, which could be deemed politically sensitive, significant, controversial, unique, or newsworthy. Examples of these include definitization of a major task under an existing contract; research on a new type of automobile battery; a new concept for energy savings; research on various new types of cancer therapies, etc.

Contract Specialists shall notify OM-C of public announcement coordination as soon as practicable, but no later than three (3) business days prior to when the DOE F 4220.10 is required to be forwarded to CI. (Note: There is a five (5) business day total lead time for both the public announcement coordination with OM-C and the DOE F 4220.10 to CI.)

OM-C Public Announcement Coordination. OM-C public announcement coordination shall be accomplished via an e-mail message to both Gary Pitchford and Brian Quirke (gary.pitchford@ch.doe.gov and brian.quirke@ch.doe.gov). The following information shall be provided in the e-mail message to OM-C:

Awardee Name:
Award No.:
Type of Action (New/Renewal/Modification):
Estimated Cost of Total Award (from inception through out-years):
Obligated Cost of This Action:
Total Period of Performance (from inception through out-years):
Start Date for this Action:
Project Title:

A copy of the e-mail message to OM-C shall be placed in the award file.

If OM-C determines that a public announcement is required, OM-C will contact the Contract Specialist via e-mail or by phone to advise of the date of the public announcement. The date of the public announcement shall be added by the Contract Specialist to Block No. 5 under "Date of Public Announcement" of the DOE F 4220.10. If the OM-C response for the public announcement is negative or if a response is not received from OM-C within three (3) business days after the date the e-mail was sent to OM-C, the Contract Specialist can assume no public announcement will be made and the DOE F 4220.10 may be forwarded to CI with Block No. 5 under "Date of Public Announcement" left blank.

Distribution of DOE F 4220.10 to OM-C. An informational copy of the DOE F 4220.10 for all awards valued from \$500,000 or more shall be forwarded to OM-C concurrently with the transmission of the DOE F 4220.10 to CI.

Other Coordination with OM-C. OM-C also requests advance notification be provided, via telephone call or e-mail message, to both Gary Pitchford and Brian Quirke, prior to an offeror(s) being selected for negotiation under a competitive acquisition or a financial assistance solicitation.

4. ADVANCED NOTIFICATION OF AWARDS SYSTEM

The Procurement Technician is responsible for transmitting the DOE F 4220.10 to CI via the Advanced Notification of Awards (ANA) system, which was created to electronically post award information 48 hours in advance to allow the DOE Office of the Secretary and the Office of Congressional and Intergovernmental Affairs to view the award information before it is announced or viewed publicly. The ANA system replaces the requirement to fax a copy of the DOE F 4220.10 to CI. After transmittal of the DOE F 4220.10 to CI via the ANA system, a copy of the signed and dated DOE F 4220.10 should be placed in the award file.

Detailed instructions on all aspects of the ANA system are contained in DOE's "Advanced Notification of Awards System User Guide," which can be accessed at "<https://notification.pr.doe.gov>". Procedures for registering in ANA, and scanning and transmitting DOE F 4220.10 to CI are attached as Enclosure 3.

B. 72 HOUR PRIOR NOTIFICATION

In addition to the Congressional Notification requirements described in Section A, 72 hour advance notification about key activities of interest to Governors, Senators, Representatives, and Tribal governments shall also be made to CI on the following items, as prescribed by Reference f. of this policy issuance (i.e., David K. Garman's August 2, 2004, memorandum entitled "72 Hour Prior Notification"):

- Draft and Final RFPs of \$1 million or more (includes financial assistance solicitations)
- Draft and Final Environmental Impact Statements
- Records of Decision (ROD)
- Risk-Based End State Vision Documents
- Work Force Restructuring by DOE or Facility Management or M&O Contractor
- Achieving Major Milestones by DOE or Facility Management or M&O Contractor
- Closing a Facility by DOE or Facility Management or M&O Contractor
- Opening a New Office by DOE or Facility Management or M&O Contractor
- Field Office Public Meetings by DOE or Facility Management or M&O Contractor
- Small Business Conferences hosted by DOE or Facility Management or M&O Contractor
- Citizen Advisory Board Meetings
- Termination of DOE Contracts

For all of the above actions, the 72 Hour Prior Notification Template (Enclosure 2) shall be completed and forwarded to CI via e-mail to CI.Notification@hq.doe.gov no later than three (3) business days prior to the event. Any procurement sensitive information should be marked as such and treated appropriately. A copy of the 72 Hour Prior Notification Template is also available in the ACQ Shared Directory and in the ACQ Forms Library.

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Enclosures:

1. DOE F 4220.10
2. 72 Hour Prior Notification Form
3. Advanced Notification of Awards (ANA) System